

## BURTNER MEN MAKE CHARGES

Joshua Bennett, on Behalf of Residents, Tells of Bursting of Dam.

### NEGLIGENCE IS CLAIMED.

Houses Washed Away, Horses, Cattle and Poultry Are Drowned in The Flood Waters.

The "News" is in receipt of the following communication from residents of Deseret, Millard county, relative to the recent breaking of the dams of the irrigation reservoirs and the flooding of the district. The letter is dated at Deseret, June 17, and is as follows:

Editor Deseret Evening News:

In reading the account of the going out of the dams in your issue of June 15, and at the request of a number of residents of Deseret, I write to correct some misleading information given your informant and to give you the facts as they happened in the late disaster to this district.

**DAMAGE TO STOCK.**

"In the first place, some time in the night of the 14th inst., what is known as the Burtner dam, situated seven or eight miles above the Deseret Irrigation company's reservoir, which was already full, caused the water to run over what is known as the Cropper cut, which had been strengthened sufficiently to hold the waters in the Deseret reservoir. The flood waters filled the bed of the river, the flood of the river in consequence overflowed its banks, drowning a number of horses and cattle that could not get out of the way of the water. The flood of the river crossed the river supplying the town of Oasls and that portion of the town of Deseret lying east of the river, was washed out. The flood struck the bridge across the river at the point dividing the four precincts of Hickley, Deseret, Oasls and Burtner, sweeping everything before it. The residence of Monahd M. Bishop, together with corral, sheds, turkeys, chickens, pigs, etc., was swept away. Also many tons of lucerne hay in the fields. The walls of the home of J. H. Kinder were undermined and fell in breaking up furniture and other articles. The home of Mrs. Alice Western also fell, and another house belonging to John H. Bennett went down stream. These houses were all on the west side. On the east side in Oasls, a house belonging to John W. Reed was washed away. In Deseret the home of Joseph W. Darnon, Sr., a house belonging to Joseph Bennett, a saloon, the hotel belonging to J. W. Reed, were damaged and a number of other houses were undermined by the waters. The flames of floating down the river, lodged against the Deseret bridge, washing the bridge out, which floated down stream. The Deseret nursing home and the homes of Samuel W. Western, Sr. and John H. Western were threatened.

**CATTLE MURED.**

"The waters as they passed down the valley spread over a vast area of land, and it is feared caused the death of hundreds of head of horses and cattle, the country being so soft that they would mire down and not be able to extricate themselves, and thus starve to death. A number of families were compelled to move to higher places. The Bishop's home and store were in danger and surrounded, and he was compelled to move his family into his granary that stands upon piling about three feet high. It is still feared that the present writing to estimate the value of, or amount of damage that has actually been sustained as the waters carried with them a great amount of the sand that has been deposited upon a great deal of the land, and channels and ditches that have been cut through ditch banks and other improvements washed away.

**HEADGATES CLOSED.**

From reliable information we learn that all of this has been caused by the closing down of the headgates at the head of the Burtner canal and not taking out gates of the spillway, which caused the water to rise above its high water mark in the Burtner reservoir and the dike not being sufficiently strong, it leaked. We understand the man in charge being notified of its condition remained in bed about two hours afterwards, and instead of notifying the head watermaster of the Deseret Irrigation company of the conditions existing allowed him to find out for himself by seeing the rise of water. He immediately went to work about 4 o'clock in the morning, pulling out gates, turning water into our canals, and also with what help he could get removing gates out of the spillway of the Deseret company reservoir, but the water got down on to them before they could be done. If all the gates had been removed it would have very likely drawn sufficient water to have saved the Cropper cut fill, thus saving all the Deseret Irrigation company's losses as well as the homes and property of those that are now suffering. It is now reported that it is the intention of the Burtner company and others to proceed once to repair the break. A meeting of the citizens of Deseret has been called and a committee appointed to consult with the officers and those interested in the rebuilding and invite them to visit the country damaged, and also notify them that those likely to be affected, and living along the line below these reservoirs, will make application to the courts for an injunction to be placed upon them, to save us from further danger from this source.

Trusting you will publish this we remain yours respectfully,

JOSHUA BENNETT.

That sparkling soda water at our fountain is a splendid thirst quencher — relieves that over heated feeling too.



The Pure Drug Dispensary  
112-114 South Main Street.

ditions existing allowed him to find out for himself by seeing the rise of water. He immediately went to work about 4 o'clock in the morning, pulling out gates, turning water into our canals, and also with what help he could get removing gates out of the spillway of the Deseret company reservoir, but the water got down on to them before they could be done. If all the gates had been removed it would have very likely drawn sufficient water to have saved the Cropper cut fill, thus saving all the Deseret Irrigation company's losses as well as the homes and property of those that are now suffering. It is now reported that it is the intention of the Burtner company and others to proceed once to repair the break. A meeting of the citizens of Deseret has been called and a committee appointed to consult with the officers and those interested in the rebuilding and invite them to visit the country damaged, and also notify them that those likely to be affected, and living along the line below these reservoirs, will make application to the courts for an injunction to be placed upon them, to save us from further danger from this source.

## COAL BOOSTED AGAIN TO FAMINE PRICES

Dealers Blame the Public for Not Buying Enough to Justify Storage Rate.

The price of coal is to be restored to \$5.75 per ton, according to a statement given out last evening by some of the coal dealers of the city. The advanced rate took effect this morning, and means that the summer storage rate which was inaugurated June 1, will be abolished before having been in effect a single month. There are two classes of coal on the market, and that coming from the Wyoming mines has sold regularly for \$5.75 per ton, while what is known as Utah coal has sold for \$5.50. These coals, during the 15 days in which the reduced rate has been in effect, were both sold for \$5 per ton.

As to the reason for the sudden termination of the reduced rate, some dealers have stated that it was because there was insufficient patronage to justify selling the coal at that rate any longer, and that the difference in the quantity sold did not justify the reduction in price. An attaché of the Western Fuel Co., however, when queried this morning as to the reason for the reduction said, "I do not wish to state the reason. Some of the other companies, who like to see their names in the paper, may probably explain the reason." The fact remains, however, that the price of coal has advanced, and the summer storage rate no longer exists.

WEATHER FORECAST.	
Fair.	
TODAY'S TEMPERATURES.	
6 a.m.	62
7 a.m.	64
8 a.m.	72
9 a.m.	74
10 a.m.	76
11 a.m.	78
12 m.	79
1 p.m.	83
YESTERDAY'S RECORD.	
Lowest	64
Highest	83

## KELLY SENSITIVE ABOUT HIS NAME

In His Divorce Complaint He Asks Wife's Maiden Name Restored.

### HE DOES NOT LIKE ALIMONY

Asks That It Be Denied Her For Herself or Child—Makes Many Charges.

James F. Kelly not only seeks a divorce from his wife, Mrs. Alta Ellis Kelly, but he objects to her retaining his name and asks the court to restore her maiden name, in a complaint filed this morning in the Third district court. For more than a year, he says, she has refused to live with him. Before she deserted him he says that she abused him, calling him vile names and nagged at him continually. From the time of their marriage he says that he never enjoyed any peace in his home.

They were married at Tooe Valley, on May 14, 1908. There are no children as a result of the marriage, but his wife has a child by a former marriage. He also asks the court that he be denied alimony for herself, or the support of the child which is now living with her.

### THREE-PLY COMPLAINT.

Mrs. Sarah Cahoon Charges Her Husband With Many Shortcomings.

Mrs. Sarah Cahoon makes charges of non-support, excessive drinking, habitual drunkenness against her husband, Hyrum Cahoon, in a complaint for divorce filed yesterday in the Third district court. She asks for custody of the minor child and an interest in the estate left to him by his mother, which is valued at \$1,200.

They were married here on March 2, 1901. For the past two years, she says, Cahoon has failed to support her and has been a heavy drinker for several years. In addition she says Cahoon mistreated her and the child.

### FOUR INSANE HEARINGS.

One Patient Bites Finger of His Keeper on Way to Court.

Four insane persons were brought before Judge Lewis this morning for examination. August Kalish, a German, 30 years old, was the first patient. He was brought into court while being taken to court he fought Jailer Joseph Burbridge and Deputy Sheriff Peter Johnson. He succeeded in snapping hand-cuffs on him, he chewed Johnson's finger. The wound was immediately dressed and the physicians say he has no trouble from it. He was committed to the state mental hospital for treatment.

Mrs. Martha W. Townsend, the sister of Billy Turpin, was also ordered to the insane asylum. She has been falling in health for several years and of late has wandered away from home.

Robert Veakey, who has been examined twice before, convinced the court this morning that he was not insane. He was suffering from an attack of delirium tremens and has been at the hospital for several days, where he fully recovered.

John A. Leak was questioned by the jury in this morning's hearing but was discharged. He was suffering from nervous troubles.

### GITZHOFFEN CASE AGAIN.

Third Time on Supreme Court Docket. It is Continued.

After having gone to the supreme court twice, the case of Frank Gitzhoffen against the Holy Cross hospital, which has been on trial for the third time in Judge Ritchie's court, was continued today without date. It is understood that a settlement is about to be reached.

In the first place Judge Ritchie erred in instructing the jury that the verdict in favor of the plaintiff, Judge Ritchie set this aside and it went to the higher court again where it was reversed. The third trial has consumed two days and from the action of the attorneys in the case settlement has almost been reached. The suit was brought to recover \$20,000 for the loss of the plaintiffs eyes. He was afflicted with an infectious disease and declared that the doctors were negligent in their treatment of the case.

### ROW OVER CHICKENS.

The memory of Mrs. Agnes Wells, of 775 West Eighth South street was so frail when she appeared on the witness stand in Judge Bowman's court yesterday afternoon, as complaining witness against Fred Peterson that at the conclusion of her testimony the defendant was promptly discharged. Peterson was charged by Mrs. Wells with having disturbed the peace by calling her "a lot of bad names," but on the stand she could not recall just what he had said. We understand that so far as the color of the usual neighborhood row over chickens.

### RULING ON COURT COSTS.

In a decision handed down yesterday by Judge John A. Marshall of the federal court, it was held that an item of \$22.21, incurred by the United States marshal's office in the suit against the Utah Fuel company, should not be paid by the fuel company because it was incurred by the marshal in securing witnesses before the company had been indicted.

### SOCIALISM RUINED HOTEL.

So Say Partners of Leggett in Answer Filed in District Court.

While trying to convert his guests to Socialism, Robert E. Leggett ruined his hotel business and drove his guests away, according to an answer filed yesterday in the Third district court by his business associates, Leggett filed suit against the company of which he

R. E. Evans, Florist, 36 S. Main St. Floral designs a specialty. Phone 961.

## Richest Cream

Chopped Pineapple, Cherries and Nuts, with a rich cream sauce of PURE SUGAR FONDANT, all scientifically combined and blended, then coated in very best Bitter Chocolate. Such is STARTUP'S; 40 or 80c anywhere.

STARTUP CANDY CO.  
Provo "The Candy City."

was manager to recover \$1,000 which he put into the Savoy hotel. He charged his associates with fraud and misrepresentation.

In April of last year, R. V. Hanson, C. J. Price, John J. Thuesen, and E. B. Scott took a lease on the Fields apartment house on east First South street, and turned it into the Savoy hotel. Leggett was interested in the proposition and invested \$1,000. He was made manager of the hotel. Leggett declares that his partners did not tell him that there was a mortgage of \$2,000 on the furniture and that the business was only worth \$1,000. In his suit he seeks to recover his \$1,000. The answer sets forth that Leggett ruined the business, and asks for \$5,000 for Leggett's incompetency.

Leggett was twice a candidate on the Socialist ticket last fall. Scott, Thuesen and Hanson were also candidates on the same ticket.

### GREEK ESCAPES ONE CHARGE.

Chilames Squirms Out of Assault With Deadly Weapon.

In a two hours' hearing before Judge Bowman this morning "Jim" Chilames, a Greek, succeeded in squirming out of the charge of assault with a deadly weapon, only to fall into the lesser charge of assault and battery. To escape the heavier charge the Greek and his witnesses proved that he had been guilty of assault.

The complainant in the case was W. C. Griffin, and disparaging remarks concerning the Greeks alleged to have been made by Griffin lay at the bottom of the case. Griffin said that he had been called into the Greek restaurant operated by Chilames and after being accused of having "said bad things" about the Greeks, he was assaulted and threatened with a knife. After being struck three times he fled from the restaurant. The Greek and his witnesses all bore evidence to the fact of the assault except that no knife had been used, and the confession was freely made that Griffin had been struck because he had denounced the Greeks.

Chilames, although found not guilty of the charge of assault with a deadly weapon, is still held under the original bonds, pending the filing of a complaint charging him with assault and battery.

### NEW INCORPORATIONS.

The Provo lodge No. 849 of the Benevolent and Protective Order of Elks, filed a copy of its articles of incorporation today with the secretary of state. The officers of the organization are: Ben L. Schwab, exalted ruler; J. J. Hogg, secretary; Joseph Lock, George E. Ross and John Homer, trustees.

### THE IDAHO CAPITOL PLAN.

Register John Burke of the United States Land office in South Dakota, is in the city visiting with Glen Miller. He tells an interesting story of how the state by constitutional provision forbade the sale of any of the state lands for less than \$10 per acre. This policy has resulted in the accumulation of such an immense fund that the state has been able easily to build a \$7,000,000 state capitol without taxing the people.

### BURLINGTON SHOWS HAND.

Colorado & Southern Asks for Franchise to Build Through Cheyenne.

(Special Correspondence.)

Cheyenne, Wyo., June 18.—The Colorado & Southern and Burlington company tipped its hand last night and confirmed frequent reports in these dispatches that the company will build through the city and connect its Cheyenne & Northern, and Holdrege-Cheyenne lines, when Right-of-way Agent McMurray of the C. & S., applied for a franchise to construct tracks across capitol avenue, the present terminal of the Holdrege-Cheyenne line, and Ferguson, Eddy, Thomas, O'Neil and Bent streets to 2nd street.

The company has purchased property abutting on the south side of the alley between Sixteenth and Fifteenth streets, and the franchise is granted will build immediately. And if the franchise is granted, the company announces, it will at once build from Wellington, Colo., to Cheyenne, and from Orin Junction to Thermopolis, and thereby connect up and complete its Gulf of Mexico-Puget sound continental railway. Cheyenne is to be a division point.

This franchise was denied the Burlington many years ago, but the Cheyenne and the city council will be forced to grant the franchise even though the Indians are doing everything possible to prevent it.

### BUSINESS AND REALTY

Today's local bank clearings amounted to \$1,935,173, as compared with \$709,683.19 for the corresponding day of last year.

Judge LeGrand Young has just secured 94 acres in Emigration canyon for \$7,221.25.

C. I. Moon has sold to August B. Reppe, \$12,000, 573 1/2 feet on Third East street, between Fifth and Sixth East streets, where, it is understood, the purchaser will erect an apartment house.

## TABERNACLE CHOIR TO GO TO SEATTLE

Conductor Stephens Makes the Announcement at Rehearsal Last Night.

At the regular weekly rehearsal of the tabernacle choir last evening, Conductor Evan Stephens notified the choir that they would go to Seattle this summer to compete in the Blastedford which is to be held there during the latter part of August. He hoped the choir and individuals of the choir, would be able to enter into many of the contests. With the view of increasing their efficiency for the occasion, the members voted to sustain the move by regular attendance, all of those present agreeing to the proposition of a fine for delinquency. As no money is available for such a purpose from the state, the choir will have to raise the necessary funds. This Conductor Stephens hopes to do by means of concerts by the tabernacle and children's choir during encampment week of the G. A. R.

### COMPANY ECONOMIZING.

No Lights in Cars on Salt Lake & Ogden Cause Protests.

Complaints are being registered loud and long against the policy of the Salt Lake & Ogden railroad managers in economizing on coal oil, and thereby giving the passengers coming in from Ogden a ride in the dark which is not exactly appreciated by all on the train. Last night the train which left Ogden at 8:50 o'clock was minus lights in the cars and the conductor transacted his checking up of tickets by the light of his lantern. Indignant parties reporting the affair to the Deseret News this morning aver that this proceeding, which is contrary to the law, is an uncommon occurrence on the Bamberger line.

### LATE LOCALS.

Linoleum From England—The Salt Lake City house is in receipt of a car load of linoleum from England for a Salt Lake furniture house.

Demolishing Old Wall—The old conglomerate wall that for nearly 50 years enclosed the old Deseret News building is now being demolished.

Barlow In Buffalo—A postal card received by Lieut. Hempel this morning conveys the information that Chief of Police S. M. Barlow is now in Buffalo, and is having an extremely pleasant journey.

Licensed in California—Manager Cannon of the Home Fire Insurance company has just received word from the San Francisco agent, H. R. Mann, that a license has been issued from the state insurance commissioner, permitting the Home Fire company to do business in California.

Leave For Foreign Missions—Don Carlos Young Jr., and Leroy Chamberlain leave tomorrow on a three years absence in the Swiss German mission. They are to sail July 3, from Montreal where they will be joined by Richard W. Young, Jr. The trio propose to celebrate the Fourth of July on the steamer.

Leaves With Prisoner—United States Marshal L. H. Smith will leave for Leavenworth, Kansas, at noon tomorrow, having in charge Dan Fossey the Indian who was yesterday sentenced to imprisonment in the federal prison at that place for the term of ten years, for the murder of four Indians of the Navajo tribe near Aneth, Utah.

Morris Family Reunion—Preparations are under way for the annual reunion of the Morris family, and descendants, at the late Elias Morris, which will be held June 30, at the residence of George M. Cannon at Forest Dale. Committees on program, refreshments, etc., are now hard at work and indications are that there will be close upon 100 present.

Blast Old News Building—Blasting was resorted to by the contractor yesterday afternoon in demolishing the old building of the Deseret News. The structure was so solidly constructed and enduring that more than customary means had to be resorted to in order to destroy it. The unusual noise attracted a good deal of attention in the neighborhood, and stirred up immense clouds of dust.

Goled Struck By Bullet—Robert Gould, an 18-year-old youth residing

### UNION DENTAL CO.

212 MAIN STREET.

Honest Work, Honest Prices

Painless Extraction of Teeth or No Pay. All Work Guaranteed.

Corset office in the City. Electric fan at each chair.

REMEMBER US.

We Treat You Right

at North West Temple street, was struck by a spent rifle bullet yesterday afternoon, receiving a painful but not serious wound in the thigh. The accident occurred while Gould was standing near his home, but the source of the bullet is still a mystery, the supposition being that it had been fired by some one in the neighborhood indulging in target practice.

## Your Market Place FOR SATURDAY

## Cash Mercantile Co.,

## 17 Pounds Sugar \$1.00

With Order

High patent flour, sack.....\$1.75	3 cans best corn, peas or tomatoes.....25c
Straight grade, sack.....\$1.65	3 large cans milk.....25c
Best bacon, lb......17c	6 small cans milk.....25c
Fine smoked ham, lb......12 1/2c	3 cans Oysters.....25c
Best Smoked Hams, lb......15c	15 cans mackerel.....10c
Smoked pic Nics, lb......12 1/2c	50c bot. Bishops Catsup.....35c
Extra fine Swiss cheese, lb......20c	50c bot. Navalade.....15c
3 lb pall pure lard......50c	50c cans Lipton Tea.....25c
5 lb pall pure lard......80c	30c size Rolled Oats.....25c
10 lb pall pure lard......1.50	6 lbs. Rolled Oats.....25c
2 lb cans strained honey......20c	4 lbs rice.....25c
1/2 gal strained honey......55c	3 1/2 lbs navy beans.....25c
	3 lbs Macaroni.....25c

We have a few oil paintings worth from \$5 to \$15 which we will sell for \$1.35 and \$2.00 each.

## 74 West 1st So.

Bell phone, 2300. Ind. phone, 2300.

## BUNGALOW GROCERY

A. HUDSON, Proprietor

We carry a clean, fresh and complete stock of the BEST in groceries and notions at popular prices. Courteous and prompt service always subject to your orders.

## Phones 157

403 East 4th South Street

## 17 POUNDS SUGAR \$1.00

With Every \$1.00 Order

2 pounds macaroni.....15c	3 lb. bucket lard.....45c
5 pkgs Kellogg's Corn Flakes.....25c	50 lbs straight grade flour.....\$1.60
4 bunches onions......50c	9 lbs. washing soda.....25c
3 pkgs Wild Rose......25c	4 lbs. navy beans.....25c
2-cent pkgs. Pearlina.....10c	4 lbs. rice.....25c
25c pkg. Pearlina......20c	2 pkgs. corn or glass starch.....15c
3 cans tomatoes......25c	3 large cans cream.....25c
3 cans corn......25c	Strictly fresh eggs, per doz.....25c
2 cans June peas......25c	Salt Pork, per lb.....15c
6 bars crystal white soap.....25c	6 lbs. oat Meal.....25c
7 bars diamond C soap.....25c	10 bars washing soap.....25c
4 bars Peps-naphtha soap.....25c	1 lb brick cheese.....30c
3-lb. bucket lard......45c	1 lb potato chips.....25c

## SILVER GROCERY

135 East First South Street

## Fresh Fish

Salmon Black Bass  
Barracuda Halibut  
Soles Catfish  
Shad Sturgeon Shad Roe

All Booth Quality

## Booth Fisheries Co.,

Fresh Fish and Poultry

30 West First South Both Phones, 349

## Saturday Specials

5 bunches lettuce.....5c	6 lbs pie plant.....10c
5 bunches radishes.....5c	Large oranges, per dozen.....25c
5 bunches Onions.....5c	3 large cans cream.....25c
5 bunches Asparagus.....5c	2 lbs macaroni.....15c
2 lbs. large sweet cherries.....5c	Brick cheese, per lb.....20c
2 boxes strawberries.....25c	Coffee-ct, 2 pkgs.....25c
2 cans pork and beans.....15c	2 bottles oyster cocktail.....25c
	3 magic yeast.....10c

## Chicago Store

No. 72 South West Temple Street.

**Mehesby's**  
156 Main Street  
**A June Sale of Millinery**  
**That is Distinctive**

It is a different sale. It is thoroughly characteristic of the Mehesby Store. Everything is fresh, immaculate, beautiful, in accord with the latest edicts of fashion. The assortments are just what you would expect to find at this store. Tables, shelves, counters and cases are resplendent with high class Imported and Domestic Hats, but at such reasonable prices as to make the occasion all the more fascinating.

**FUR STORAGE**  
Bring your furs here and then forget them until you need them again. They will be looked after by experts. A postal or phone message will summon us.

**GARDNER DAILY STORE NEWS**  
MAIL ORDERS PROMPTLY FILLED

Weather Forecast  
Generally Fair Tonight and Saturday.

**You can Keep Cool in Cool Clothes**

For real comfort, one of our Soft Negligee Shirts. The patterns and general appearance are such that you won't be ashamed to take off your coat in a crowd.

75c to \$2.50.

We have Straw Hats; all styles; your style. \$1.50 to \$5. Panamas, \$6 to \$10.

Summer Underwear — half sleeves, knee length; all fabrics; all prices. 25c to \$2.50 the garment.

**ONE PRICE J.P. GARDNER**  
130-132 MAIN ST.  
**THE QUALITY STORE**